

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BILL L. WILMOTH, III,

Defendant.

No. 09-30049-DRH

ORDER

HERNDON, Chief Judge:

Now before the Court is Defendant Wilmoth's October 26, 2009 motion to continue trial setting (Doc. 21). Specifically Wilmoth argues that he needs more time to prepare for trial. The Government does not object to a continuance. The Court being fully advised in the premises finds that Wilmoth needs additional time to prepare for trial. Further, the Court finds that pursuant to **18 U.S.C. § 3161(h)(7)(A)**, the ends of justice served by the granting of such continuance outweigh the best interests of the public and the Defendant in a speedy trial. The Court also finds that to deny a continuance of the matter would result in a miscarriage of justice.

Therefore, the Court **GRANTS** Defendant Wilmoth's October 26, 2009 motion to continue trial setting (Doc. 21). The Court **CONTINUES** the jury trial scheduled for November 2, 2009 to **Tuesday, January 19 ,2010 at 9:00 a.m.** The time from the date the original motion was filed, October 26, 2009, until the date to

which the trial is rescheduled, January 19, 2010, is excludable time for the purposes of speedy trial. Should either party believe that a witness will be required to travel on the Justice Prisoner and Alien Transportation System (JPATS) in order to testify at the trial of this case, a writ should be requested at least two months in advance. Further, the parties shall notify the Court if a change of plea hearing is necessary.

IT IS SO ORDERED.

Signed this 27th day of October, 2009.

/s/ David R. Herndon

**Chief Judge
United States District Court**